

DOCUMENTS UNDER SEAL

TOTAL TIME (mins): 8 Mins

MAGISTRATE JUDGE MINUTE ORDER		DEPUTY CLERK Ivy L. Garcia			REPORTER/FTR FTR: 3/11/08 10:03:24-10:11:50	
MAGISTRATE JUDGE HON. WAYNE D. BRAZIL		DATE 3/11/08			NEW CASE <input type="checkbox"/>	CASE NUMBER CR-08-00153-DLJ

APPEARANCES

DEFENDANT JOSE LUIS OCHOA-GUTIERREZ	AGE	CUST Y	P/NP P	ATTORNEY FOR DEFENDANT John Paul Reichmuth	PD. <input checked="" type="checkbox"/> RET. <input type="checkbox"/> APPT. <input type="checkbox"/>
U.S. ATTORNEY Wade Rhyne	INTERPRETER Haydee Claus			<input checked="" type="checkbox"/> FIN. AFFT SUBMITTED	<input checked="" type="checkbox"/> COUNSEL APPT'D
PROBATION OFFICER None	PRETRIAL SERVICES OFFICER Hence Williams			DEF ELIGIBLE FOR APPT'D COUNSEL	<input checked="" type="checkbox"/> PARTIAL PAYMENT OF CJA FEES

PROCEEDINGS SCHEDULED TO OCCUR

<input checked="" type="checkbox"/> INITIAL APPEAR 4 Mins HELD	<input type="checkbox"/> PRELIM HRG	<input type="checkbox"/> MOTION	<input type="checkbox"/> JUGM'T & SENTG	<input type="checkbox"/> STATUS
<input checked="" type="checkbox"/> I.D. COUNSEL 1 Min HELD	<input checked="" type="checkbox"/> ARRAIGNMENT 3 Mins HELD	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> INITIAL APPEAR REV PROB OR S/R	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> DETENTION HRG WAIVED BY THE DEFT.	<input type="checkbox"/> ID / REMOV HRG	<input type="checkbox"/> CHANGE PLEA	<input type="checkbox"/> PROB. REVOC.	<input type="checkbox"/> ATTY APPT HEARING

INITIAL APPEARANCE**FILED**

<input checked="" type="checkbox"/> ADVISED OF RIGHTS 3/11/08	<input checked="" type="checkbox"/> ADVISED OF CHARGES 3/11/08	<input type="checkbox"/> NAME AS CHARGED IS TRUE NAME	<input type="checkbox"/> TRUE NAME:	MAR 14 2008
				ARRAIGNMENT
<input type="checkbox"/> ARRAIGNED ON INFORMATION	<input checked="" type="checkbox"/> ARRAIGNED ON INDICTMENT	<input type="checkbox"/> READING WAIVED SUBSTANCE	<input type="checkbox"/> WAIVED OF INDICTMENT FILED CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND	

RELEASE

<input type="checkbox"/> RELEASED ON O/R	<input type="checkbox"/> ISSUED APPEARANCE BOND	AMT OF SECURITY \$	SPECIAL NOTES	<input type="checkbox"/> PASSPORT SURRENDERED DATE:
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PROPERTY TO BE POSTED CORPORATE SECURITY REAL PROPERTY:
 CASH \$

<input checked="" type="checkbox"/> MOTION FOR DETENTION	<input type="checkbox"/> PRETRIAL SERVICES REPORT	<input checked="" type="checkbox"/> DETAINED	<input type="checkbox"/> RELEASED	<input checked="" type="checkbox"/> DETENTION HEARING AND PLEA AGREEMENT WAIVED BY THE DEFT.	<input checked="" type="checkbox"/> REMANDED TO CUSTODY
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ORDER REMOVED TO THE DISTRICT OF**PLEA**

<input type="checkbox"/> CONSENT ENTERED	<input checked="" type="checkbox"/> NOT GUILTY	<input type="checkbox"/> GUILTY	GUILTY TO COUNTS: <input type="checkbox"/>	
<input type="checkbox"/> PRESENTENCE REPORT ORDERED	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> PLEA AGREEMENT FILED	OTHER:	

CONTINUANCE

TO: 4/4/08	<input type="checkbox"/> ATTY APPT HEARING	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> STATUS RE: CONSENT	<input checked="" type="checkbox"/> STATUS / TRIAL SET
AT: 9:00 a.m.	<input type="checkbox"/> SUBMIT FINAN. AFFIDAVIT	<input type="checkbox"/> PRELIMINARY HEARING OR ARRAIGN- MENT	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> OTHER
BEFORE HON. D. LOWELL JENSEN	<input type="checkbox"/> DETENTION HEARING		<input type="checkbox"/> MOTIONS	<input type="checkbox"/> JUDGMENT & SENTENCING
<input checked="" type="checkbox"/> TIME WAIVED BY THE DEFT. RE: SPEEDY TRIAL ACT CALCULATION BET. NOW & UNTIL 4/4/08	<input checked="" type="checkbox"/> TIME EXCLUDABLE UNDER 18 § USC 3161	<input type="checkbox"/> IDENTITY / REMOVAL HEARING	<input type="checkbox"/> PRETRIAL CONFERENCE	<input type="checkbox"/> PROB/SUP REV. HEARING

**FOR EFFECTIVE PREP. OF COUNSEL ADDITIONAL PROCEEDINGS
& FOR INVESTIGATION**

The govt's atty. provided the Court with a copy of the detainer that has been lodged on the deft. by ICE (Immigration and Customs Enforcement). In light of the ICE detainer, the deft. waived the timing of his Detention Hrg. The deft. was ordered detained. The deft. reserves his rights to have his Detention Hrg. -- if & when he believes it will be in his best interest to put his Detention Hrg. back on calendar later. Discovery was provided by the govt's atty. to the deft's atty. this morning.

DOCUMENT NUMBER:

cc: WDB's Stats, Pretrial, Frances

Department of Homeland Security
Immigration and Customs Enforcement

Immigration Detainer - Notice of Action

~~RECEIVED~~

MAR 14 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLANDFile No.
A72 977 988

Date: March 13, 2008

To: (Name and title of institution)
CUSTODIAN OF RECORDS, HOLDS/WARRANTS/DETAINERS
US MARSHAL SERVICE, STATE PRISONS, CITY/COUNTY JAIL
CALIFORNIA DEPARTMENT OF CORRECTIONS OR ANY OTHER
SUBSEQUENT LAW ENFORCEMENT AGENCYU.S. Department of Homeland Security
Immigration and Customs Enforcement
630 Sansome Street, 5th Floor
San Francisco, CA 94111Name of alien: **OCHOA-Gutierrez, Joe Luis**
FBI # 533811ABIDate of birth: 09/15/1972 Nationality: Mexico Sex: Male**You are advised that the action noted below has been taken by the Immigration and Customs Enforcement concerning the above-named inmate of your institution:**

Investigation has been initiated to determine whether this person is subject to removal from the United States.

A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____ (Date)

A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____ (Date)

Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive.

Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify INS by calling 415 844-5512 during business hours or 415 844-5549 after hours in an emergency.

Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to 415 844-5562 (Area code and facsimile number)

Return fax to the attention of Polly Kaiser at 415 844-5536 (Name of INS officer handling case) (Area code and phone number)

Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.

Notify this office in the event of the inmate's death or transfer to another institution.

Please cancel the detainer previously placed by this Service on _____.


#349
Deportation Officer
(Title of INS official)**Receipt acknowledged:**

Date of latest conviction: _____ Latest conviction charge: _____
Estimated release date: _____

Signature and title of official: _____